

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DENISE CASSESE,

Plaintiff,

-against-

**ORDER**

CV 05-2724 (ADS)(ARL)

WASHINGTON MUTUAL, INC., et al.,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court are the plaintiff's letter applications both dated April 10, 2007. In her first application, the plaintiff seeks to compel responses to a variety of discovery demands. In her second application, the plaintiff seeks an order permitting class discovery. The defendants oppose the applications by letter dated April 30, 2007. The defendants contend that the motions are not ripe for adjudication because the plaintiff demonstrated bad faith in the meet and confer. The defendants also contend that the plaintiff's demands are overly broad and seek discovery concerning class-wide damages.

While the court is not prepared to find that the plaintiff acted in bad faith, the defendants are correct that the motion to compel is not ripe for adjudication. Issues regarding pre-class certification discovery must be resolved before the court can address the motion to compel in that the defendants' primary objections to the requests appear to be that the demands include class discovery. Accordingly, to the extent the plaintiff is seeking information regarding class-wide damages, the motion is denied, with leave to renew once the motion for class certification is decided. However, the plaintiff may seek additional responses to her requests to the extent those requests are limited to the plaintiff's own claims. If the plaintiff believes that she is entitled to additional responses regarding those claims, the plaintiff is to meet with the defendants and discuss those specific requests. If the parties cannot resolve the dispute once counsel for the plaintiff has narrowed the requests to address only the plaintiff's claims, the plaintiff can then renew her motion to compel with respect to those requests.

The plaintiff's motion for class discovery should be made to District Judge in connection with any application for class certification motion. The District Judge will establish the scope of pre-certification discovery necessary to address the four prerequisites for class actions, those being, numerosity, commonality, typicality and adequacy of representation. *See In re Initial Public Offering Securities Litigation*, 471 F.3d 24, 33 (2d Cir. 2006).

Dated: Central Islip, New York  
May 7, 2007

**SO ORDERED:**

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ARLENE R. LINDSAY  
United States Magistrate Judge